

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 TIMOTHY DIETZ,  
10 Plaintiff,  
11 v.  
12 MIDLAND CREDIT MANAGEMENT INC.,  
13 Defendant.

Case No.

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441**

PLEASE TAKE NOTICE THAT defendant Midland Credit Management, Inc. (“MCM”) hereby removes to this court the state court action described below.

1. This is a civil action over which the court has original jurisdiction under 28 U.S.C. § 1331, and which may be removed to this court under 28 U.S.C. §1441(a), because it involves a claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq* (“TCPA”). See *Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740 (2012).

2. A copy of the complaint filed by plaintiff in the Cowlitz County District Court, Small Claims Department, case no. 14 S 4, is attached as Exhibit 1.

3. This Notice of Removal is timely because defendant purportedly was served (if at all) on January 8, 2013. See Exhibit 2 (letter from plaintiff to MCM with sheriff date stamp).

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C.  
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**COSGRAVE VERGEER KESTER LLP**  
Attorneys  
**888 SW Fifth Avenue, Suite 500**  
**Portland, OR 97204**  
**(503) 323-9000**

1       4.     Venue is proper in this district because it is the district embracing the  
2 place where the action is pending. See 28 U.S.C. §1441(a).

3        5. Other than a general denial (see Exhibit 3), no further proceedings have  
4 occurred in the state court action.

5           6.     In filing this notice, Midland does not waive any defenses or claims  
6 including (but not limited to) any defenses based on jurisdiction, service or statute of  
7 limitations.

8 DATED: February 6, 2014

COSGRAVE VERGEER KESTER LLP

/s/ Robert E. Sabido

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## Attorneys for Defendant

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## **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury that I served a true and correct copy of  
3 the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a)** on the  
4 date indicated below by:

- 5       electronic mail,
  - 6       mail with postage prepaid, deposited in the US mail at Portland, Oregon,
  - 7       hand delivery,
  - 8       facsimile transmission,
  - 9       overnight delivery,

10 I further certify that said copy was placed in a sealed envelope delivered as  
11 indicated above and addressed to plaintiff at the address listed below:

12 Timothy Dietz  
2503 34<sup>th</sup> Avenue  
13 Longview, WA 98632  
Plaintiff *Pro Se*

DATED: February 6, 2014

/s/ Robert E. Sabido  
Robert E. Sabido